

MAXWELL M. FREEMAN, #31278  
 LEE ROY PIERCE, JR., #119318  
 MICHAEL L. GUREV, #163268  
 THOMAS H. KEELING, #114979  
 FREEMAN, D'AIUTO, PIERCE,  
 GUREV, KEELING & WOLF  
 A PROFESSIONAL LAW CORPORATION  
 1818 Grand Canal Boulevard, Suite 4  
 Stockton, California 95207  
 Telephone: (209) 474-1818  
 Facsimile: (209) 474-1245  
 E-mail: [lrpierce@freemanfirm.com](mailto:lrpierce@freemanfirm.com)  
[mgurev@freemanfirm.com](mailto:mgurev@freemanfirm.com)  
[tkeeling@freemanfirm.com](mailto:tkeeling@freemanfirm.com)

Attorneys for Defendants A.G. Spanos  
 Construction, Inc.; A.G. Spanos  
 Development, Inc.; A.G. Spanos  
 Land Company, Inc.; A.G. Spanos  
 Management, Inc., The Spanos Corporation

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

National Fair Housing Alliance, Inc., et al.,	)	CASE NO. C07-03255-SBA
	)	
Plaintiffs,	)	<b>[PROPOSED] ORDER GRANTING</b>
	)	<b>THE SPANOS DEFENDANTS'</b>
vs.	)	<b>MOTION FOR RECONSIDERATION</b>
	)	
A.G. Spanos Construction, Inc., et al.	)	[N.D. Cal. Local Rule 7-9]
	)	
Defendants.	)	Hearing Date: September 23, 2008
	)	Time: 1:00 p.m.
	)	Dept: Courtroom 3

Complaint Filed: June 20, 2007

The motion of Defendants A.G. Spanos Construction, Inc., A.G. Spanos  
 Development, Inc., A.G. Spanos Land Company, Inc., A.G. Spanos Management, Inc., and  
 The Spanos Corporation (the "Spanos Defendants") for reconsideration of this Court's Order  
 of April 4, 2008, denying the Spanos Defendants' motion to dismiss Plaintiffs' First Amended  
 Complaint, came on regularly for hearing on September 23, 2008, at 1:00 p.m. in Courtroom  
 3 in the above-entitled court, located at 1301 Clay Street, 3<sup>rd</sup> Floor, Oakland, California, the  
 Honorable Sandra Brown Armstrong presiding. Thomas H. Keeling and Lee Roy Pierce, Jr.

1 appeared on behalf of the Spanos Defendants, and Michael Allen appeared on behalf of  
2 Plaintiffs.

3 Pursuant to Northern District Local Rule 7-9 and good cause appearing therefore,  
4 IT IS HEREBY ORDERED that:

5 The Spanos Defendants motion for reconsideration of this Court's Order issued on  
6 April 4, 2008 denying the Spanos Defendants' entire motion to dismiss, is GRANTED.

7 Having reconsidered the Court's April 4, 2008 Order in light of the Ninth Circuit's *en*  
8 *banc* decision in *Garcia v. Brockway*, 503 F.3d 1092 (9<sup>th</sup> Cir. 2008), the Court concludes that  
9 under the Fair Housing Act's two-year statute of limitations, 42 U.S.C. § 3613(a)(1)(A),  
10 Plaintiffs' claims are barred except as to those properties sued upon for which the last  
11 certificate of occupancy was issued on or after June 20, 2005, i.e., within two years of the  
12 filing of this action on June 20, 2007.

13 This Order Granting the Spanos Defendants' Motion for Reconsideration is limited to  
14 that portion of the April 4, 2008 Order which addressed defenses based on the statute of  
15 limitations. In all other respects, this Court's Order of April 4, 2008 remains unchanged.

16 IT IS SO ORDERED.

17  
18 Dated: \_\_\_\_\_, 2008.

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21 SAUNDRA BROWN ARMSTRONG  
United States District Judge  
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